

News ReleaseNational Labor Relations Board Office of the General Counsel

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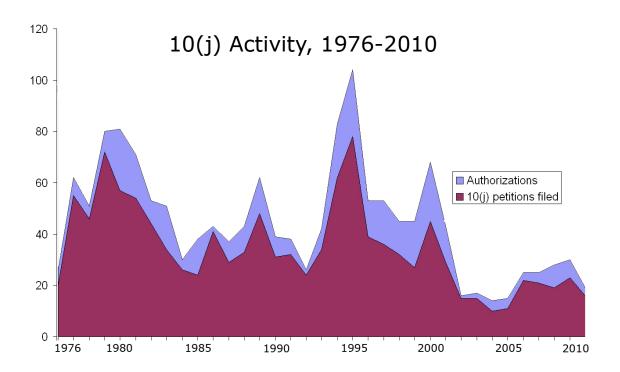
Acting General Counsel streamlines process to seek federal injunctions when employees are fired during organizing campaigns

NLRB Acting General Counsel Lafe Solomon today announced an initiative to strengthen and streamline the Agency's response to charges filed when employees are fired in the midst of a union organizing campaign.

Going forward, in all cases found meritorious the General Counsel's office will consider seeking a federal injunction that would compel an employer to offer reinstatement to the fired workers pending litigation of the underlying unfair labor practice case. In addition, new timelines and procedures have been created to speed up the process.

"Firing an employee in the middle of a union organizing campaign can quickly destroy the campaign by creating a climate of fear in the workplace. Clearly, it can also have a devastating effect on the employee's life. We need to ensure that the statutory rights of unlawfully fired employees are restored in real time," said Acting General Counsel Solomon in making the announcement. "These cases go to the very essence of our enforcement responsibilities."

Under Section 10(j), which was added to the National Labor Relations Act as part of a set of reforms in 1947, the Agency is authorized to seek preliminary injunctions from federal courts to protect victims of unfair labor practices pending litigation. Over the years, all NLRB General Counsels have made use of this effective enforcement tool, as shown in the following chart:



The new initiative, outlined in a <u>GC Memorandum</u> and a <u>letter to Regional Directors</u> released today, streamlines the process from beginning to end to ensure more timely court filings. Regional Directors are required to immediately investigate allegations of unlawful firings in organizing cases and, if merit is found, to submit them to the General Counsel's office with a short memo, ideally within a week of their findings. Acting General Counsel Solomon told staff that he will personally review each case, based on recommendations from the Injunction Litigation Branch and the Regional Director.

Under NLRB processes, the General Counsel must obtain authorization from the Board before seeking a 10(j) injunction. Chairman Wilma Liebman said that the Board has revisited its procedures for reviewing such requests in an effort to expedite the process. "The Board recognizes that 10(j) injunctions are a vital enforcement tool and time is of the essence in this kind of case," she said.

The NLRB will post case names and status updates for all 10(j) injunction cases authorized by the Board on its website, www.nlrb.gov, beginning Tuesday, October 5.

The National Labor Relations Board is an independent federal agency vested with the authority to safeguard employees' rights to organize and to determine whether to have a union as their collective bargaining representative. The Agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions, as well as cases arising from the United States Postal Service.